

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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WRIT PETITION No. 20711 of 2007
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ORDER: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed against the order dated 2.2.2007 passed by the A.P. Administrative Tribunal in O.A. No. 6875 of 2005.

Heard the learned Government Pleader for Services I and perused the material available on record.

The respondent herein filed the O.A. before the Tribunal against the action of the petitioners in withholding an amount of Rs.1,09, 989/- on the allegation of irregular expenditure. The contention of the respondent before the Tribunal was that the petitioners herein have not conducted any enquiry and have not afforded any opportunity to him and therefore the recovery of Rs.1,09,989/- from DCRG payable to the respondent – applicant is contrary to principles of natural justice. Having considered the matter, the Tribunal allowed the O.A. Hence this writ petition by the petitioners.

Though it is contended by the learned Government Pleader that the respondent – applicant indulged in irregular expenditure and therefore the petitioners are entitled to recover the expenditure which was irregularly incurred by the respondent – applicant, it is nowhere stated that the petitioners have conducted any enquiry into the said allegation. From the writ affidavit averments we could only find out that explanation of the respondent with regard

to the alleged irregularity was called for and the respondent submitted his reply dated 21.10.2003. The respondent – applicant also submitted the vouchers for an amount of Rs.72,464/-. Thereafter, the petitioners without holding any enquiry have simply come to the conclusion that the said vouchers are bogus and initiated the action of withholding the amount as stated supra. There is also no material to show that the respondent – applicant was given reasonable opportunity to meet the allegation against him. Thus, the petitioners have not followed the principles of natural justice and therefore the Tribunal, after referring to various case law on the subject, rightly held that the petitioners – respondents are not entitled to recover any amount from DCRG of the applicant without granting any opportunity to the respondent – applicant. We do not find any error or legal infirmity in the order passed by the Tribunal warranting interference of this Court.

There is no merit in this writ petition. It is accordingly dismissed.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 05-10-2007.

MVB.